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T.R.A. DOCKET ROOM

November 8, 2005

Ron Jones, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243

Re. ***In Re: Petition to Open an Investigation to Determine Whether Atmos Energy Corp Should be Required by the TRA to Appear and Show Cause That Atmos Energy Corp. is Not Overearning in Violation of Tennessee Law and That it is Charging Rates That Are Just and Reasonable***

**Docket Number: 05-00258**

Dear Chairman Jones:

On behalf of the Atmos Intervention Group, a group of gas customers served by Atmos Energy Corp., I would like to submit the following comments in response to the Authority's decision to conduct a preliminary investigation of the gas company's earnings.

First, if the staff investigators appear headed to the conclusion that Atmos is over earning, the company may unilaterally take steps to reduce its projected earnings and may also initiate discussions with the staff to avoid the issuance of a show cause order. On behalf of the Intervention Group, I would expect that any such agreement would be presented to the Authority for consideration and that all interested persons would be given the opportunity to intervene in such a proceeding.

Second, I would urge the Authority to complete this investigation as quickly as practical. This is not a rate case, only a "preliminary investigation" to determine if the agency has an adequate basis for the issuance of a show cause order. See T.C.A. §65-2-106. If the allegations of excess earnings are correct, the customers of Atmos are suffering irreparable harm each day that the current rates remain in effect. For the same reasons, Atmos may have a financial incentive to prolong the staff's investigation. The company has already stated in a press release that it intends to "participate in the hearings" before the Authority, indicating that the company misapprehends the nature of this initial proceeding. The Atmos Intervention Group therefore urges the Authority to complete its investigation as soon as possible so that the Directors can address the matter at an agenda conference in December.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

  
Henry Walker

HW/djc

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11/8/2005

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing is being forwarded via U S mail, to:

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on this the 8<sup>th</sup> day of November 2005

  
Henry Walker